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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,111	05/24/2001	Ion Leon Batachia	22097-007	3045
30623	7590	04/08/2004	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			HOLMES, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 04/08/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/865,111

Applicant(s)

BATACHIA ET AL.

Examiner

Michael B. Holmes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7</u> | 6) <input type="checkbox"/> Other: _____ |



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Examiner's Detailed Office Action

1. This action is responsive to application **09/865,111**, filed **May 24, 2001**.
2. **Claims 1-18** have been examined.

Information Disclosure Statement

3. Examiner acknowledges applicants' submission of prior art and information disclosure. Nevertheless, applicant is respectfully remind of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by continuing to submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's of application or thereafter.

Drawings

4. The formal drawings have been reviewed by the United States Patent & Trademark Office of Draftperson's Patent Drawings Review. Form PTO-948 has been provided.

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Specification

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

Claim Interpretation

6. Office personnel are to give claims their **"broadest reasonable interpretation"** in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See *also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. . . . The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed. . . . An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). *see* MPEP § 2106

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. **Claims 1-18** are rejected under 35 U.S.C. 102(e) as being anticipated by **Bigus et al. (USPN 6,401,080 B1), Filed: March 21, 1997; Date of Patent: June 04, 2002.**

Regarding claim 1:

Bigus et al. teaches,

A method of providing an interface that enhances a negotiation between agents, the method comprising:

displaying in the interface on-line during a negotiation process at least one parameter of an agent; [FIG. 1; (col. 5, line 32-48 “Turning to the Drawing, wherein like parts are denoted by like numbers throughout the several views, FIG. 1 illustrates a networked computer system 10

*for use with the illustrated embodiments of the invention. System 10, which is representative of many networked data processing systems, generally includes one or more computer systems, e.g., single-user computer systems 16, 18 and multi-user computer systems 20, 60, coupled through a network 15. Multi-user computer system 20 typically includes one or more servers 25 to which one or more single-user computers 22 may be networked through a separate network 24. Similarly, multi-user computer system 60 typically includes one or more servers 65 coupled to one or more single-user computer systems 62 through a network 64. Network 15 may represent any type of networked interconnection, including but not limited to local-area, wide-area, wireless, and public networks (e.g., the Internet).“) & FIG. 4; (col. 8, line 24-39 “Agent negotiation with agent negotiation module 118 incorporates a number of separate features usable alone or together to improve the performance of an agent when **conducting negotiations**. **First, one or more operating parameters of the agent may be randomized to an extent to reduce predictability and thus hinder the ability of other parties (e.g., other agents, computer programs, or individuals) to determine the negotiation strategy of the agent. Second, one or more operating parameters of the agent may be constrained to an extent to limit unproductive negotiations, typically based upon the duration of the negotiations and/or the behavior of the other parties to the negotiations. In addition, in some embodiments, these features, as well as other features discussed below, may obstruct attempts by other parties to manipulate the negotiations.**“)] and modifying the parameter of the agent during negotiation. [FIG. 4; (col. 8, line 24-39 “Agent negotiation with agent negotiation module 118 incorporates a number of separate features usable alone or together to improve the performance of an agent when **conducting negotiations**. **First, one or more operating parameters of the agent may be randomized to an extent to reduce***

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predictability and thus hinder the ability of other parties (e.g., other agents, computer programs, or individuals) to determine the negotiation strategy of the agent. Second, one or more operating parameters of the agent may be constrained to an extent to limit unproductive negotiations, typically based upon the duration of the negotiations and/or the behavior of the other parties to the negotiations. In addition, in some embodiments, these features, as well as other features discussed below, may obstruct attempts by other parties to manipulate the negotiations.”]

Regarding claim 2:

Bigus et al. teaches,

The method as in claim 1, wherein modifying the parameter of the agent includes:

stopping the agent from furthering the negotiation; [(col. 24, line “As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.”)]

modifying at least one parameter of the agent; [(col. 24, line “As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in

the market. The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.”)] and

re-launching the agent. [(col. 24, line “As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.”)]

Regarding claim 3:

Bigus et al. teaches,

The method as in claim 1, wherein modifying the parameter of the agent includes:

modifying a behavior of the agent. [(col. 17, line 15-20 “The behavior of agent 100 may also be constrained based upon the identification of another party or the perceived reliability or legitimacy of the other party, with a suitable probability function developed to limit negotiations with unreliable or unknown parties relative to known valid parties.”)]

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Regarding claim 4:

Bigus et al. teaches,

The method as in claim 1, wherein modifying the parameter of the agent includes:

modifying a deadline of the agent. [(col. 8, line 59-65 "*It should be appreciated that agents typically operate asynchronously, whereby a response message from the other party, if any, may arrive at any time after the offer has been made. Thus, to prevent agent 100 from hanging up waiting for a response that may never arrive, an offer duration is calculated in block 126 and a timer is set in block 127 to fix the maximum time for agent 100 to wait for a response.*")]

Regarding claim 5:

Bigus et al. teaches,

The method as in claim 1, wherein modifying the parameter of the agent includes:

modifying intervals of acceptability of the agent. [(col. 24, line 19-38 "*A high pass filter may also be used to override any "stop losses" or "stop gains" issued to the agent. A "stop loss" relates to an instruction to sell a product at a certain price below the current market price if the market ever drops to that price. However, in a volatile market where market prices may drop rapidly, the market may drop below this price before the stop loss transaction can be completed. A similar situation may occur for "stop gain" transactions issued when a client is selling short, when a market is rising faster than the stop gain transaction can be completed. By using the slope calculation from the high pass filter, a market low (or high) point, represented by a change in slope from negative to neutral or positive (or from positive to neutral or negative) over a number of transactions, may be detected and used to lock out stop loss (or stop gain)*"]

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transactions. This would effectively prevent a sale from being made at the bottom (or top) of the market, when the market trend has reversed. The slope calculation may be performed on a per transaction or per elapsed time basis.”)]

Regarding claim 6:

Bigus et al. teaches,

The method as in claim 1, wherein modifying the parameter of the agent includes:

modifying a weight parameter of the agent. [FIG. 11; (col. 23, line 39-52 “It may also be possible to determine a reliability of the value estimate for past transactions and/or current sell and buy offers, e.g., through computing the average weight of the top *n* transactions used in the value estimate and the number of transactions used in the average. **If the number or the weight is less than expected, the reliability of the estimate may be questionable and the behavior of the agent may be modified (e.g., by weighting the value estimate from database 202 or from expert system 210 more heavily).** In the alternative, the reliability may be determined by treating the weights of all the transactions or offers as distributions, then using statistical techniques such as average weight, number of points in distribution and standard deviation to determine the reliability.”)]

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Regarding claim 7:

Bigus et al. teaches,

A computer accessible medium containing instructions therein which when executed by a processor causes the processor to perform a method of providing an interface that enhances a negotiation between agents, the method comprising:

displaying in the interface on-line during a negotiation process at least one parameter of an agent; [FIG. 1; (col. 5, line 32-48 “Turning to the Drawing, wherein like parts are denoted by like numbers throughout the several views, **FIG. 1 illustrates a networked computer system 10 for use with the illustrated embodiments of the invention.** System 10, which is representative of many networked data processing systems, generally includes one or more computer systems, e.g., single-user computer systems 16, 18 and multi-user computer systems 20, 60, coupled through a network 15. Multi-user computer system 20 typically includes one or more servers 25 to which one or more single-user computers 22 may be networked through a separate network 24. Similarly, multi-user computer system 60 typically includes one or more servers 65 coupled to one or more single-user computer systems 62 through a network 64. Network 15 may represent any type of networked interconnection, including but not limited to local-area, wide-area, wireless, and public networks (e.g., the Internet).”) & FIG. 4; (col. 8, line 24-39 “Agent negotiation with agent negotiation module 118 incorporates a number of separate features usable alone or together to improve the performance of an agent when **conducting negotiations.** **First, one or more operating parameters of the agent may be randomized to an extent to reduce predictability and thus hinder the ability of other parties (e.g., other agents, computer programs, or individuals) to determine the negotiation strategy of the agent. Second, one or more operating**

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parameters of the agent may be constrained to an extent to limit unproductive negotiations, typically based upon the duration of the negotiations and/or the behavior of the other parties to the negotiations. In addition, in some embodiments, these features, as well as other features discussed below, may obstruct attempts by other parties to manipulate the negotiations.”)] and modifying the parameter of the agent during negotiation. [FIG. 4; (col. 8, line 24-39 “Agent negotiation with agent negotiation module 118 incorporates a number of separate features usable alone or together to improve the performance of an agent when conducting negotiations. First, one or more operating parameters of the agent may be randomized to an extent to reduce predictability and thus hinder the ability of other parties (e.g., other agents, computer programs, or individuals) to determine the negotiation strategy of the agent. Second, one or more operating parameters of the agent may be constrained to an extent to limit unproductive negotiations, typically based upon the duration of the negotiations and/or the behavior of the other parties to the negotiations. In addition, in some embodiments, these features, as well as other features discussed below, may obstruct attempts by other parties to manipulate the negotiations.”)]

Regarding claim 8:

Bigus et al. teaches,

The computer accessible medium as in claim 7, wherein modifying the parameter of the agent includes:

stopping the agent from furthering the negotiation; [(col. 24, line “As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw

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pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.”)]

modifying at least one parameter of the agent; [(col. 24, line “As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. The agent may also withdraw from trading until the volatility decreases. **Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.”)] and**

re-launching the agent. [(col. 24, line “As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. **The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.”)]**

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Regarding claim 9:

Bigus et al. teaches,

The computer accessible medium as in claim 7, wherein modifying the parameter of the agent includes:

modifying a behavior of the agent. [(col. 17, line 15-20 "*The behavior of agent 100 may also be constrained based upon the identification of another party or the perceived reliability or legitimacy of the other party, with a suitable probability function developed to limit negotiations with unreliable or unknown parties relative to known valid parties.*")]

Regarding claim 10:

Bigus et al. teaches,

The computer accessible medium as in claim 7, wherein modifying the parameter of the agent includes:

modifying a deadline of the agent. [(col. 8, line 59-65 "*It should be appreciated that agents typically operate asynchronously, whereby a response message from the other party, if any, may arrive at any time after the offer has been made. Thus, to prevent agent 100 from hanging up waiting for a response that may never arrive, an offer duration is calculated in block 126 and a timer is set in block 127 to fix the maximum time for agent 100 to wait for a response.*")]

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Regarding claim 11:

Bigus et al. teaches,

The computer accessible medium as in claim 7, wherein modifying the parameter of the agent includes:

modifying intervals of acceptability of the agent. [(col. 24, line 19-38 "*A high pass filter may also be used to override any "stop losses" or "stop gains" issued to the agent. A "stop loss" relates to an instruction to sell a product at a certain price below the current market price if the market ever drops to that price. However, in a volatile market where market prices may drop rapidly, the market may drop below this price before the stop loss transaction can be completed. A similar situation may occur for "stop gain" transactions issued when a client is selling short, when a market is rising faster than the stop gain transaction can be completed. By using the slope calculation from the high pass filter, a market low (or high) point, represented by a change in slope from negative to neutral or positive (or from positive to neutral or negative) over a number of transactions, may be detected and used to lock out stop loss (or stop gain) transactions. This would effectively prevent a sale from being made at the bottom (or top) of the market, when the market trend has reversed. The slope calculation may be performed on a per transaction or per elapsed time basis.*")]

Regarding claim 12:

Bigus et al. teaches,

The computer accessible medium as in claim 7, wherein modifying the parameter of the agent includes:

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modifying a weight parameter of the agent. [FIG. 11; (col. 23, line 39-52 *"It may also be possible to determine a reliability of the value estimate for past transactions and/or current sell and buy offers, e.g., through computing the average weight of the top n transactions used in the value estimate and the number of transactions used in the average. If the number or the weight is less than expected, the reliability of the estimate may be questionable and the behavior of the agent may be modified (e.g., by weighting the value estimate from database 202 or from expert system 210 more heavily). In the alternative, the reliability may be determined by treating the weights of all the transactions or offers as distributions, then using statistical techniques such as average weight, number of points in distribution and standard deviation to determine the reliability."*)]

Regarding claim 13:

Bigus et al. teaches,

An apparatus for providing an interface that enhances a negotiation between to agents, the apparatus comprising:

means for displaying in the interface on-line during a negotiation process at least one parameter of an agent; [FIG. 1; (col. 5, line 32-48 *"Turning to the Drawing, wherein like parts are denoted by like numbers throughout the several views, FIG. 1 illustrates a networked computer system 10 for use with the illustrated embodiments of the invention. System 10, which is representative of many networked data processing systems, generally includes one or more computer systems, e.g., single-user computer systems 16, 18 and multi-user computer systems 20, 60, coupled*

through a network 15. Multi-user computer system 20 typically includes one or more servers 25 to which one or more single-user computers 22 may be networked through a separate network 24. Similarly, multi-user computer system 60 typically includes one or more servers 65 coupled to one or more single-user computer systems 62 through a network 64. Network 15 may represent any type of networked interconnection, including but not limited to local-area, wide-area, wireless, and public networks (e.g., the Internet).“) & FIG. 4; (col. 8, line 24-39 “Agent negotiation with agent negotiation module 118 incorporates a number of separate features usable alone or together to improve the performance of an agent when **conducting negotiations**. **First, one or more operating parameters of the agent may be randomized to an extent to reduce predictability and thus hinder the ability of other parties (e.g., other agents, computer programs, or individuals) to determine the negotiation strategy of the agent. Second, one or more operating parameters of the agent may be constrained to an extent to limit unproductive negotiations, typically based upon the duration of the negotiations and/or the behavior of the other parties to the negotiations. In addition, in some embodiments, these features, as well as other features discussed below, may obstruct attempts by other parties to manipulate the negotiations.**“)] and means for modifying the parameter of the agent during negotiation. [FIG. 4; (col. 8, line 24-39 “Agent negotiation with agent negotiation module 118 incorporates a number of separate features usable alone or together to improve the performance of an agent when **conducting negotiations**. **First, one or more operating parameters of the agent may be randomized to an extent to reduce predictability and thus hinder the ability of other parties (e.g., other agents, computer programs, or individuals) to determine the negotiation strategy of the agent. Second, one or more operating parameters of the agent may be constrained to an extent to limit**

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unproductive negotiations, typically based upon the duration of the negotiations and/or the behavior of the other parties to the negotiations. In addition, in some embodiments, these features, as well as other features discussed below, may obstruct attempts by other parties to manipulate the negotiations.”)]

Regarding claim 14:

Bigus et al. teaches,

The apparatus as in claim 13, wherein modifying means include:

means for stopping the agent from furthering the negotiation; [(col. 24, line “*As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.*”)]

means for modifying at least one parameter of the agent; [(col. 24, line “*As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.*”)] and

means for re-launching the agent. [(col. 24, line “As a result of a volatile market condition, the negotiation strategy of agent 100 may be overridden, e.g., to withdraw pending offers that are now worse for the client than is now available in the market, or to immediately accept pending offers without delay should they be better for the client than is now available in the market. The agent may also withdraw from trading until the volatility decreases. Probability functions may also be modified, for example, to make the agent more or less conservative depending upon market volatility.”)]

Regarding claim 15:

Bigus et al. teaches,

The apparatus as in claim 13, wherein modifying means include:

means for modifying a behavior of the agent. [(col. 17, line 15-20 “The behavior of agent 100 may also be constrained based upon the identification of another party or the perceived reliability or legitimacy of the other party, with a suitable probability function developed to limit negotiations with unreliable or unknown parties relative to known valid parties.”)]

Regarding claim 16:

Bigus et al. teaches,

The apparatus as in claim 13, wherein modifying means include:

means for modifying a deadline of the agent. [(col. 8, line 59-65 “It should be appreciated that agents typically operate asynchronously, whereby a response message from the other party, if any, may arrive at any time after the offer has been made. Thus, to prevent agent 100 from

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hanging up waiting for a response that may never arrive, an offer duration is calculated in block 126 and a timer is set in block 127 to fix the maximum time for agent 100 to wait for a response.”)]

Regarding claim 17:

Bigus et al. teaches,

The apparatus as in claim 13, wherein modifying means include:

means for modifying intervals of acceptability of the agent. [(col. 24, line 19-38 “A *high pass filter* may also be used to override any “stop losses” or “stop gains” issued to the agent. A

“stop loss” relates to an instruction to sell a product at a certain price below the current market price if the market ever drops to that price. However, in a volatile market where market prices may drop rapidly, the market may drop below this price before the stop loss transaction can be completed. A similar situation may occur for “stop gain” transactions issued when a client is selling short, when a market is rising faster than the stop gain transaction can be completed.

By using the slope calculation from the high pass filter, a market low (or high) point, represented by a change in slope from negative to neutral or positive (or from positive to neutral or negative) over a number of transactions, may be detected and used to lock out stop loss (or stop gain) transactions. This would effectively prevent a sale from being made at the bottom (or top) of the market, when the market trend has reversed. The slope calculation may be performed on a per transaction or per elapsed time basis.”)]

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Regarding claim 18:

Bigus et al. teaches,

The apparatus as in claim 13, wherein modifying means includes:

means for modifying a weight parameter of the agent. [FIG. 11; (col. 23, line 39-52 "*It may also be possible to determine a reliability of the value estimate for past transactions and/or current sell and buy offers, e.g., through computing the average weight of the top n transactions used in the value estimate and the number of transactions used in the average. If the number or the weight is less than expected, the reliability of the estimate may be questionable and the behavior of the agent may be modified (e.g., by weighting the value estimate from database 202 or from expert system 210 more heavily). In the alternative, the reliability may be determined by treating the weights of all the transactions or offers as distributions, then using statistical techniques such as average weight, number of points in distribution and standard deviation to determine the reliability.*")]

Conclusion

10. The prior art made of record and (listed of form **PTO-892**) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

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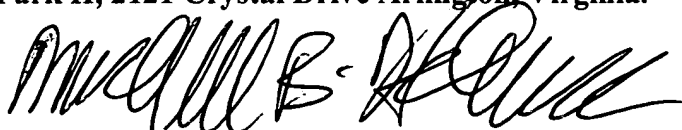
Correspondence Information

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Anil Khatri**, may be reached at **(703) 305-0282**.

Any response to this office action should be mailed too:

Director of Patents and Trademarks Washington, D.C. 20231. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia.**



Michael B. Holmes

Patent Examiner

Artificial Intelligence

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United States Department of Commerce
Patent & Trademark Office

Application/Control Number: 09/865,111

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